



## COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 13-5

July 9, 2013

Petition of Comcast Cable Communications, LLC to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast Cable Communications, LLC that are currently subject to rate regulation.

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### **HEARING OFFICER RULING ON THE TOWN OF DIGHTON'S PETITION TO PARTICIPATE**

On April 1, 2013 Comcast Cable Communications, LLC ("Comcast") filed FCC Forms 1240 and FCC Form 1205 proposing basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast currently subject to rate regulation. Pursuant to G. L. c. 166A, § 15, and 207 C.M.R. § 6.03, the Department of Telecommunications and Cable investigates proposed basic service tier programming, equipment, and installation rates. This proceeding has been docketed as D.T.C. 13-5, and is a formal adjudicatory proceeding conducted under G. L. c. 30A and 801 C.M.R. § 1.00 *et seq.* of the Standard Adjudicatory Rules of Practice and Procedure.

The Town of Dighton ("Petitioner") electronically submitted a Petition to Participate ("Petition") dated May 29, 2013. On June 25, 2013, following directions from the Department, the Town of Dighton sent an electronic copy of its Petition to the service list in this proceeding. The Town of Dighton seeks leave to intervene as a limited participant for the purpose of submitting a letter to the Hearing Officer. Pet. at 1. An interested person may participate as a party only if it files a petition to intervene and such petition is subsequently granted by the Department. 801 C.M.R. § 1.01(9). The Department has broad discretion to determine whether to permit participation in Department proceedings, and the extent of such

participation. *Att’y Gen. v. Dep’t of Pub. Utils.*, 390 Mass. 208, 216 (1983); *Boston Edison Co. v. Dep’t of Pub. Utils.*, 375 Mass. 1, 45 (1978), *cert. denied*, 439 U.S. 921 (1978); *see also Robinson v. Dep’t of Pub. Utils.*, 835 F. 2d 19 (1st Cir. 1987); *Newton v. Dep’t of Pub. Utils.*, 399 Mass. 535, 543, n.1 (1959). In exercising its discretion, the Department must balance the interests of an intervenor against the need to conduct an efficient proceeding. *Boston Edison Co. v. Dep’t of Pub. Utils.*, 375 Mass. 1, 45-46 (1978).

In support of its Petition, Petitioner declares that the Town of Dighton is served by Comcast Cable Communications, LLC, and that its letter to the Hearing Officer will state, “The Selectmen of Dighton trust that the Department of Telecommunications and Cable will consider any service proposals by Comcast Cable Communications, LLC, in the matter of D.T.C. 13-5, in the light of the best interest of said provider Comcast’s customers in the Town of Dighton.” Pet. at 1. The Department has consistently found that rate-regulated communities are substantially and specifically affected by the outcome of a rate setting proceeding. *See, e.g., Pet. of Comcast Cable Commc’ns., LLC to Establish & Adjust the Basic Serv. Tier Programming, Equip., & Installation Rates for the Cmtys. in Mass. Served by Comcast Cable Commc’ns., LLC that are Currently Subject to Rate Regulation (“Comcast Rate Setting Petition”), D.T.C. 13-5, Hearing Officer Ruling on the Town Of Weymouth’s Pet. to Intervene* (June 21, 2013); *Comcast Rate Setting Petition, D.T.C. 12-2, Hearing Officer Ruling on Pet. to Intervene* (July 6, 2012); *Comcast Rate Setting Petition, D.T.C. 10-8, Order at 1* (Jan. 27, 2012) (The department granted the petitions to intervenes of three rate regulated communities.). The Department finds that on balance, Petitioner has an interest in participating in this proceeding and the requested level of participation will not adversely affect the Department’s ability to conduct this proceeding efficiently.

Accordingly, the Department GRANTS the Town of Dighton’s Petition in the above-referenced rate proceeding.

/s/ Lindsay DeRoche

Lindsay DeRoche  
Hearing Officer

NOTICE OF RIGHT TO APPEAL

Under the provisions of 220 C.M.R. § 1.06(d)(3), any aggrieved party may appeal this Ruling to the Commissioner by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.